(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Writ Petition No. 1066 of 2005

Petitioner: State of Chhattisgarh, through Collector, South Bastar, Dantewada District Dantewada (CG)

Versus

Respondents: 1. Chamru S/o Boti, by Caste Telanga, R/o Village Phoolpad, Tahsil and District Dantewada (CG)

Board of Revenue Chhattisgarh, Bilaspur(CG)

P.R. No. 1065/05
Presented by Shri Sandeep Dubey
dated 14-03-05

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT(S), DIRECTIONS ETC.

XI-HC-78

097

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP.NO.1066/05.... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16-9-2005 Shri U.N.S. Deo with Shri Yashwant Singh Thakur, Govt. Advocates for the State/petitioner. Shri B.P. Sharma, counsel for respondent No.1. By this writ petition the State/petitioner has questioned the legality, propriety and correctness of the orders dated 13-1-2004 passed by the Board of Revenue in review case No.1/A-63/2003-2004 (Annexure-P/1) and the order dated 29-10-2004 passed by the Board of Revenue in case No.02-A/63/2003-2004 (Annexure-P/2). I have heard learned counsel for the parties and perused the orders under challenge. The order under challenge dated 13-1-2004 has been passed by the Board of Revenue in review case No.1/A-63/2003-2004, but perusal of whole order shows that this order has been passed in the form of judgment in appeal whereas, by this order the Revenue Board was required to review its earlier order dated 18-6-2003 passed in appeal under Section 44 of the Chhattisgarh Land Revenue Code, 1959. Further perusal of the order shows that principle for review of an order as envisaged under Order 47 Rule 1 of the C.P.C. has not been considered and without considering those provisions this order has been passed as an appellate Court. Therefore, this order is no order in the eye of law.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Accordingly, order dated 13-1-2004 passed by the Board of Revenue in Review Case No.1/A-63/2003-2004 and the order dated 29-10-2004 passed by the Board of Revenue in case No.02-A/63/2003-2004 are quashed. Without considering the merit of the case, the matter is sent back to the Board of Revenue to decide review case No.1/A-63/2003-2004 and case No.02-A/63/2003-2004 on its own merits, in accordance with law. Since the matters have become old, it is expected that the Board will decide the aforesaid cases as early as possible within a period of 4 months from today, after giving opportunity to both the parties.

Parties are directed to appear before the Board of Revenue on 30th September 2005.

The writ petition is disposed of accordingly.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Parve